

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

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In the Matter of the :
FORD INTERNATIONAL SERVICES, INC. : ADMINISTRATIVE ORDER
Ringwood Mines/Landfill Site :
(Ringwood, New Jersey) :
Respondent, : Index No. II-CERCLA-70102
Proceeding Under Section 106(a) :
of the Comprehensive Environmental :
Response, Compensation and :
Liability Act, 42 U.S.C. §9606(a), :
as amended by the Superfund :
Amendments and Reauthorization :
Act of 1986, Public Law 99-499. :
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JURISDICTION

1. The following Administrative Order ("ORDER") is issued to Ford International Services, Inc. ("Respondent") by the United States Environmental Protection Agency ("EPA") pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), 42 U.S.C. §9601 et seq, for which authority was delegated to the Administrator of EPA by the President of the United States by Executive Order 12580 on January 23, 1987 and redelegated to the Regional Administrator of EPA Region II. Pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606(a), the State of New Jersey Department of Environmental Protection ("NJDEP") has been notified of the ORDER.

DEFINITIONS

A. Respondent shall include Ford International Services, Inc., a wholly owned subsidiary of Ford Motor Company.

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B. The Facility or Site shall include certain properties ("the Site") in the Ringwood, New Jersey area which Respondent acquired from Pittsburgh Pacific Company on January 7, 1965. Respondent owned these properties until it transferred title to the properties in several transactions as set forth below:

<u>Deed Date</u>	<u>Acreage</u>	<u>Grantee</u>
11/21/69	87.310	High Point Homes, Inc.
5/14/70	207.97	Public Service Electric and Gas Co.
6/7/70	18.584	High Point Homes, Inc.
11/2/70	289.89	Ringwood Solid Waste Management Authority
11/13/70	122.039	High Point Homes, Inc.
12/21/73	109.249	New Jersey Department of Environmental Protection
12/21/73	35.475	The Housing Operation With Training Opportunity, A New Jersey Corporation Not for Profit

C. Hazardous Substance shall mean any substance included within the definition of "Hazardous Substance" in Section 101(14) of CERCLA, 42 U.S.C. §9601(14).

D. Removal Program shall mean those actions which are required of Respondent by this ORDER and are specified in a detailed work plan to be submitted by Respondent and reviewed and approved by EPA.

E. Designated Coordinator shall mean the person designated by Respondent who shall be responsible for the implementation and coordination of this ORDER and all the activities required for the Removal Program.

F. On-Scene Coordinator ("OSC") shall mean the person designated by EPA to be responsible for on-scene monitoring of all actions and activities required pursuant to this ORDER. The OSC shall additionally be responsible for coordinating and directing any EPA removal action which may be conducted at the Site.

G. National Contingency Plan ("NCP") shall mean the National Oil and Hazardous Substances Contingency Plan promulgated by EPA pursuant to Section 105 of CERCLA, 42 U.S.C. §9605, and codified at 40 C.F.R. Part 300, and all amendments or modifications thereto.

H. Remove or Removal shall have the meaning set forth in Section 101(23) of CERCLA, 42 U.S.C. §9601(23).

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PARTIES BOUND

2. This ORDER shall apply to and be binding on Ford International Services, Inc., its officers, directors, agents, contractors, consultants, successors and assigns.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

3. The Respondent, is a "person" as defined in Section 101(21) of CERCLA, 42 U.S.C. §9601(21), is a past owner/operator of the Ringwood Mines/Landfill Site (the "Site"), which is a facility as defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9), and is a responsible party within the intent of Section 107(a) of CERCLA, 42 U.S.C. §9607(a).

4. The Site is on the National Priorities List ("NPL"), 40 C.F.R. Part 300, Appendix B, of known and threatened releases, which has been issued pursuant to Section 105(8)(B) of CERCLA, 42 U.S.C. §9605(8)(B).

5. The Site has been used for the disposal of solid and chemical waste which contained hazardous substances. The Site comprises several waste disposal areas, including: open dumps, landfills, abandoned mine shafts and pits which were used for the disposal of municipal and industrial wastes including, but not limited to, paint sludge.

6. Groundwater is the major source of drinking water in Ringwood Borough. Potable water is provided through a municipal distribution system that utilizes bedrock wells and an artesian spring and private commercial/residential wells located adjacent to the Site.

7. The Site is located within the watershed of the Wanaque Reservoir which supplies drinking water to approximately 65,000 people. Surface water draining the Site, after mixing with water from other sources, discharges to the Wanaque Reservoir approximately one mile south of the Site. There are no drinking water intakes from the Reservoir within three miles of the Site.

8. In March and April, 1987 Woodward Clyde Consultants ("WCC") conducted an investigation of the paint sludge disposal areas at the Site for Respondent. WCC collected ten (10) sludge samples from ten (10) exploratory pits within the four (4) sludge disposal locations. The total estimated volume of paint sludge is 6,300 cubic yards.

9. E.P. Toxicity leachate analysis of the sludge samples revealed lead concentrations from 6.8 mg/l to 178 mg/l. In accordance with 40 C.F.R. §261.24, the maximum allowable concentration of lead is 5.0 mg/l.

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10. The lead content of the paint sludge results in its classification both as a hazardous waste, E.P. Toxic lead, having the characteristics identified in Section 3001 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6921, and as a hazardous substance pursuant to Section 101(14) of CERCLA, 42 U.S.C. §9601(14).

11. Priority pollutant analysis of the sludge samples revealed significant concentrations of volatile organic compounds and metals including, but not limited to: naphthalene, toluene, ethylbenzene, m-xylene, o,p-xylene, trichloroethylene, arsenic lead and chromium. These substances are hazardous substances within the meaning of Section 101(14) of CERCLA, 42 U.S.C. §9601 (14).

12. Some of the hazardous substances found in the paint sludge including, but not limited to, naphthalene, lead, trichloroethylene, xylenes and toluene may cause adverse health effects in human beings and animals from exposure by inhalation or direct contact.

13. The surficial paint sludge disposal areas pose a threat to human health and the environment through the leaching of contaminants into groundwater and surface water.

14. Access to the waste disposal areas including the open dumps, landfills, pits and paint sludge areas is not restricted to the public.

15. Hazardous substances are being released or may be released at or from the Site. Therefore, immediate corrective action is required to prevent and/or mitigate an imminent and substantial endangerment to the public health and welfare and the environment.

DETERMINATION

16. Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW set forth above and the entire administrative record, EPA has determined that the release and threat of release of hazardous substances to the environment from the Site may present an imminent and substantial endangerment to the public health and welfare and the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. §9606(a). The Respondent is qualified within the meaning of 104(a) of CERCLA, as amended by SARA, to conduct the work called for under this ORDER.

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ORDER

17. Based upon the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW and DETERMINATION, IT IS HEREBY ORDERED that Respondent shall act promptly to abate the release and threat of release into the environment of hazardous substances at and from the Site. Respondent shall implement the Removal Program specified in a detailed work plan to be submitted to EPA by Respondent within twenty-one (21) days after the effective date of this ORDER.

18. The work plan shall contain a schedule for the completion of all tasks specified therein. The work plan, including the removal and sampling plans, shall be reviewed and approved by EPA. EPA shall be the final arbiter in any dispute regarding the sufficiency of the work plan, and EPA may modify it unilaterally.

19. All activities required under the Removal Program, and described in the work plan, shall be initiated and completed as soon as possible even though maximum time periods for their completion are specified therein.

20. The work plan, as modified and approved by EPA, shall be deemed to be fully incorporated in and a part of this ORDER.

IT IS FURTHER ORDERED:

21. Not later than five (5) business day after the effective date of this ORDER, Respondent shall designate a coordinator, to be known as the Designated Coordinator, and shall notify EPA in writing of the name, address, job title, and telephone number of the Designated Coordinator. Counsel for Respondent shall not be eligible to be the Designated Coordinator. All EPA communications with Respondent regarding this ORDER shall be addressed to the Designated Coordinator. The Designated Coordinator shall be responsible for the implementation of the requirements this ORDER, and shall have the necessary technical expertise to coordinate all aspects of the work contemplated by this ORDER.

22. All activities required of Respondent under this ORDER shall be performed only by well-qualified persons possessing all necessary permits, licenses, and other authorizations required by federal, state and local governments.

23. Respondent shall use its best efforts to avoid or minimize any delay or prevention of performance of its obligations under this ORDER. In the event of an inability or anticipated inability on the part of Respondent to perform in a timely manner any of the activities required under this ORDER, the Designated Coordinator shall immediately inform EPA of the reason, the date, and the duration of such inability to perform and the

1000057

actions taken or to be taken by Respondent to avoid or mitigate the impact of such inability to perform, including the proposed schedule for such actions.

24. As appropriate during the course of implementation of the Removal Program at the Site, Respondent or its consultants or contractors, acting through the Designated Coordinator, may confer with the EPA concerning those actions. Based upon new circumstances or new information not in the possession of EPA on the date of this ORDER, the Designated Coordinator may request in writing EPA approval of a modification of the Removal Program set forth in the EPA approved work plan. If approved by the EPA in writing, such modification shall be implemented immediately by Respondent.

25. EPA shall designate an On-Scene Coordinator ("OSC") for the Removal Program at the Site.

26. In the event of a significant change in conditions at the Site, the Designated Coordinator shall notify the OSC immediately at the following emergency telephone numbers: 201-548-8730 or 201-321-6670. Until the OSC provides direction, Respondent may take reasonable measures under the circumstances. Respondent shall remain liable for any adverse consequences of such measures. If the EPA determines that the activities performed pursuant to this ORDER, or the significant changes in conditions at the Site, pose a threat to public health or welfare or the environment, EPA may direct Respondent to stop further implementation of the Removal Program or to take other and further actions reasonably necessary to abate the threat. This provision is not to be construed so as to limit any rights EPA may have under 40 C.F.R. §300.65 or any other, applicable provision of the NCP, or under any other applicable law or regulation.

27. All submittals and notifications to EPA pursuant to this ORDER shall be made in writing to Patricia Wells, Project Officer, Northern New Jersey Compliance Section, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, and to the OSC.

28. Respondent shall provide written weekly progress reports to EPA with respect to all actions and activities undertaken pursuant to this ORDER.

29. Access to the Site shall be provided to EPA, NJDEP, and to Respondent's respective representatives, agents, employees, contractors, and consultants. The Respondent shall permit EPA and NJDEP representatives to be present at the Site at any and all times and to observe any and all activities conducted pursuant to this ORDER.

1000058

30. All data, information, and records maintained or created by Respondent and its agents, employees, contractors or consultants in connection with the implementation of this ORDER -- including, but not limited to, contractual documents and raw sampling and other monitoring data -- shall be made available to EPA, NJDEP and their designated representatives. In addition, no such data, information or records shall be destroyed for eight years, following completion of the Removal Program set forth in the EPA approved work plan, without either the express written approval of EPA and NJDEP, or written rejections by EPA and NJDEP of a written offer by the Respondent to provide such material to these agencies.

31. Respondent shall give EPA three (3) working days advance notice of on-site and off-site sampling activities.

32. Upon request by the EPA or NJDEP, Respondent shall provide split samples of any material sampled in connection with the implementation of this ORDER.

33. All employees of all persons or entities, including contractors, who engage in activities pursuant to this ORDER shall be available to and shall cooperate with EPA and NJDEP in providing information and in implementing the response action for the Site.

34. With respect to all chemical analyses and all disposal operations conducted pursuant to this ORDER, the Respondent shall provide the OSC with the identity of and, if applicable, licensing identification numbers of (e.g., waste haulers or disposal facilities) all persons or entities performing such work within two (2) working days of selection of such persons, companies, or facilities, for purposes of establishing that all such activities are performed in accordance with EPA approved methodology and that all wastes ultimately disposed of are disposed of at EPA approved hazardous waste disposal facilities.

35. All actions and activities carried out by Respondent pursuant to this ORDER shall be done in accordance with all applicable, relevant and appropriate federal, state, and local laws, regulations, and requirements and all applicable provisions of the NCP.

36. All waste disposal conducted by Respondent pursuant to this ORDER shall comply with the requirements of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6901 et seq., the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §2601 et seq., and all applicable regulations promulgated pursuant thereto, as well as all applicable State laws and regulations.

1000059

37. All sampling analyses shall conform to EPA Quality Assurance/Quality Control procedures as directed by the EPA and in conformance with Section 1.0 and 1.3, respectively, of the EPA publications entitled "Test Methods for Evaluating Solid Waste" (SW-846, July, 1982 or as updated), and "Guidance for Preparation of Combined Work/Quality Assurance Project Plans for Water Monitoring."

38. All records produced by Respondent and delivered to EPA in the course of implementing this ORDER shall be available to the public unless identified as confidential by Respondent and determined by EPA to merit confidential treatment, in accordance with Section 104(e)(7) of CERCLA, as amended by SARA, 42 U.S.C. §9604(e)(7).

39. Neither EPA nor the United States, by issuance of this ORDER, assumes any liability for any injuries or damages to persons or property resulting from acts or omissions by Respondent or Respondent's employees, agents, contractors, and consultants.

40. Nothing herein shall constitute or be construed as a satisfaction or release from liability with respect to any conditions or claims arising as a result of past, current, or future operations, ownership, or use of the Site by Respondent, Respondent's employees, agents, contractors, lessees, successors, and assigns.

41. Nothing in this ORDER constitutes a decision on preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. §9611(a)(2), or any authorization for the Respondent, its agents, contractors, assigns or successors to assert any claim(s) against or to request any reimbursement from the Hazardous Substance Superfund, pursuant to Sections 111 or 112 of CERCLA, 42 U.S.C. §§9611 and 9612, or under any other provision CERCLA or based upon common law, statutory or equitable grounds.

REIMBURSEMENT

42. EPA shall submit to the Respondent an accounting of all oversight and response costs incurred by the U.S. Government, whether such oversight or response is performed by EPA or by a contractor selected by EPA, with respect to work associated with the Removal Program by Respondent. Within 30 calendar days of receipt of that accounting, the Respondent will remit a check for the amount of those costs made payable to the Hazardous Substance Superfund, pursuant to Section 107 of CERCLA as amended by SARA, 42 U.S.C. §9607. Checks should specifically reference

1000060

the identity of the Superfund site and the docket number of this ORDER. Payment should be sent to:

U.S. Environmental Protection Agency
Region II
Regional Hearing Clerk
P.O. Box 360188M
Pittsburgh, PA 15251

A letter of explanation shall accompany the payment; a copy of the letter shall be sent to the Chief, Site Compliance Branch, EPA Region II.

ENFORCEMENT

43. Failure of Respondent to carry out expeditiously and completely the terms of this ORDER may result in EPA taking the required actions unilaterally, pursuant to Section 104(a)(1) of CERCLA, 42 U.S.C. §9604(a)(1).

44. This ORDER, and the EPA approved work plan prepared in compliance herewith, shall be enforceable pursuant to Sections 106(b) and 113(b) of CERCLA, 42 U.S.C. §9606(b) and §9613(b). Respondent may also be subject to cost recovery, civil penalties and/or punitive damages of up to three times the amount of any costs incurred by EPA as provided in Sections 106(b), 107(a), and 107(c)(3) of CERCLA, 42 U.S.C. §9606(b), §9607(a) and §9607(c)(3), for failure to comply with the terms of this ORDER. Nothing herein shall preclude EPA from taking any additional enforcement actions, and/or additional actions as it may deem necessary for any purpose, including the prevention or abatement of an imminent and substantial endangerment to the public health, welfare, and/or the environment arising from conditions at the Site and from recovering the costs thereof; nor shall anything herein preclude NJDEP from taking legal action pursuant to State law.

45. Respondent is hereby placed on notice that EPA may take any action described in this ORDER which may be appropriate to protect public health, welfare or the environment, and Respondent may be held liable under Section 107 of CERCLA for the costs of such action.

46. Not later than three (3) days after the date this ORDER is received by Respondent, Respondent may confer with EPA to discuss this ORDER, including its applicability, the FINDINGS upon which the ORDER is based, the appropriateness of any action

1000061

or activity required to be undertaken herein, or any other relevant issues or contentions which Respondent may have regarding this ORDER. The conference is not, and shall not be deemed to be, an adversary proceeding or part of a proceeding to challenge this ORDER. Any request for a conference with respect to this ORDER shall be made to Beverly Kolenberg, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York, 10278, at (212) 264-4471.

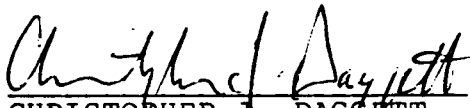
47. Respondent shall notify EPA in writing five (5) days after the date of receipt of this ORDER of its intention to undertake the tasks specified herein. If no notification is received by that time, Respondent may be considered in violation of the ORDER and EPA may undertake the Removal Program without further notice.

EFFECTIVE DATE

48. This ORDER shall become effective on the fifth calendar day after the date it is received by the Respondent.

IT IS SO ORDERED:

U.S. ENVIRONMENTAL PROTECTION AGENCY


CHRISTOPHER J. DAGGETT

JUNE 26, 1987
Date of Issuance

Regional Administrator
U.S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

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